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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

THE SCO GROUP, INC.,  
  
Plaintiff/Counterclaim-Defendant,  
  
v.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,  
  
Defendant/Counterclaim-Plaintiff.

**IBM'S MOTION FOR LEAVE TO FILE  
ADDITIONAL DECLARATIONS IN  
SUPPORT OF MOTIONS FOR  
SUMMARY JUDGMENT**

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

Defendant/Counterclaim-Plaintiff International Business Machines Corporation (“IBM”) respectfully submits this motion for leave to file up to three additional declarations in support of IBM’s motions for summary judgment by no later than September 29, 2006.

The Court’s deadline for filing summary judgment motions is today, September 25, 2006, and IBM is filing motions addressing each of the claims brought by Plaintiff/Counterclaim Defendant The SCO Group, Inc. (“SCO”), as well as two of IBM’s counterclaims against SCO. Counsel for IBM had hoped to have by today signed copies of two additional declarations in support of those motions. Due to various logistical issues, counsel for IBM was unable to obtain the signed declarations today. Those declarations reinforce points made by other declarants and the submission of them would not affect the substance of IBM’s arguments in its summary judgment motions. They would be filed well in advance of SCO’s deadline for responding to IBM’s motions, and therefore not prejudice SCO in any way. We therefore respectfully request that the Court grant IBM leave to file up to two additional declarations in support of its summary judgment motions by no later than this Friday, September 29, 2006.

DATED this 25th day of September, 2006.

SNELL & WILMER L.L.P.

/s/ Todd M. Shaughnessy

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 25th day of September, 2006, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court and delivered by CM/ECF system to the following:

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/s/ Todd M. Shaughnessy